

## REMARKS

In the Final Office Action dated January 6, 2005, claims 1, 2, 5-14, 17-20, and 22-24 were pending and rejected. In this response, no claim has been cancelled. Claims 1, 7, and 13 have been amended. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

Claims 1-2, 5-14, 17-20, and 22-24 were rejected under the judicially created doctrine of double patenting over claim 1-25 of U.S. Patent No. 6,834,323. A terminal disclaimer has been submitted to overcome the rejection.

Claims 1-2, 5-14, 17-20, and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Intel Corporation Application Note A2-629 or M3-678, each taken separately, in view of Olivo et al. ("Olivo"). In view of the foregoing amendments, it is respectfully submitted that claims 1-2, 5-14, 17-20, and 22-24 as amended include limitations that are not disclosed or suggested by the cited references.

Specifically, independent claim 1 as amended recites as follows:

1. A method comprising:
  - enabling a special programming mode of a memory by entering a special programming access code in a state controller, wherein the memory includes automation circuitry for internal program verification and wherein enabling special programming mode disables the internal program verification by the automation circuitry of the memory;
  - programming a plurality of words into the memory during the special programming mode without having the automation circuitry of the memory to perform the internal program verification;
  - exiting the special programming mode of the memory after the plurality of words have been programmed into the memory;
  - permanently disabling the special programming mode in response to exiting the special programming mode; and
  - enabling the internal program verification of the memory after exiting the special programming mode, wherein one or more words subsequently

programmed into the memory are verified by the internal program verification performed by the memory.

(Emphasis added)

Independent claim 1 includes limitations that when a memory enters a special programming mode, an internal verification performed by the memory is disabled. Rather, an external verification processor (e.g., a host or ATE) is used to verify the words being programmed into the memory during the special programming mode. Thereafter, when the memory exits the special programming mode (e.g., going back to a normal mode), the internal verification is enabled and any subsequent words programmed into the memory are verified by the internal verification performed by the memory (rather than the external ATE). In addition, after exiting the special programming mode, the special programming mode is permanently disabled (e.g., cannot be re-enabled again). It is respectfully submitted that the above limitations are absent from the cited references, individually or in combination.

Rather, as presented in the previous responses, both AP-629 and AP-678 disclose or suggest eliminating the external verification operations. There is no disclosure or suggestion within AP-629 and AP-678 that the internal program verification can be disabled.

Although Olivo discloses that an internal state machine can be disabled during a test period, such an internal state machine is unrelated and is not the same as internal program verification (see, col. 2, lines 9-37 of Olivo).

Specifically, the Examiner stated:

“AP-629, for example, discloses the state machine verifying data written to the memory as the internal verifying procedure. In light of this knowledge, one of ordinary skill in the art would clearly recognize that the state machine of Olivo performs the same function as that of the Intel references. Therefore, the state machine of Olivo is, indeed, related to program verification.”

(1/6/2005 Office Action, pages 9-10).

Applicant respectfully disagrees. Although a state machine may be used in a variety of design situations, however, disabling an internal state machine as suggested by Olivo may not necessarily suggest disabling an internal program verification. There is no such a suggestion within Olivo. It appears that the Examiner's obvious finding is based on the impermissible hindsight of Applicant's own disclosure.

The Examiner further stated:

“With respect to applicants' argument that Olivo fails to teach or suggest disabling internal program verification, examiner respectfully disagrees, and notes that the quotation of Olivo at page 13 of the instant remarks actually reinforces the rejection of the instantly amended claims – the verification is performed AFT[Y]ER programming (because the internal state machine is disabled). As to the rest of the quote, whether something “can” be done or not does not, in fact, prove that it is done. Specifically, the fact the a test CAN BE performed [externally] does not, in fact, mean that it is – because, as we know, it CAN also be performed internally.”

(1/6/2005 Office Action page 10).

Applicant respectfully disagrees. The internal verification of Olivo is not disabled.

Specifically, Olivo stated:

“Verification is performed by a comparison of the values present after memory programming with the correct ones supplied through the data bus 3. The signal CEN also returns to a low logic value Vil and the circuit is ready to perform a new test or return to normal operation.

The test method in accordance with the present invention has the following advantages: The memory matrix test can be performed in a manner fully independent of control unit operation. The duration of the programming pulse and that of the verification phase are not bound to the internal time base and can thus be selected at will. The sequence of performance of the actual test is compatible with that used for testing EPROM memories of the known art and thus permits use of the same circuitry equipment for its performance.”

(Olivo col. 4, line 63 to col. 5, line 10, emphasis added).

Clearly, the internal verification is not disabled. It appears that the Examiner's obvious assertion was again based on impermissible hindsight of Applicant's own disclosure.

Further, Examiner's interpretation of what can be done or not is not supported throughout Olivo.

In order to render a claim obvious, each and every limitations of the claim must be taught by the cited references. It is respectfully submitted that the cited references, individually or in combination, fail to disclose or suggest the limitations set forth in claim 1. Particularly, the cited references, individually or in combination, fail to disclose or suggest the limitation of permanently disabling the special program mode after exiting the special program mode.

In addition, there is no suggestion within the cited references to combine with each other. It would be impermissible hindsight for such a combination based on Applicant's own disclosure. Even if they were combined, such a combination still lacks the limitations set forth above. Therefore, for the reasons discussed above, it is respectfully submitted that independent claim 1 is patentable over the cited references.

Similarly, independent claim 13 includes limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, it is respectfully submitted that claim 13 is patentable over the cited references.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cite references. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Kevin G. Shao  
Attorney for Applicant  
Reg. No. 45,095  
Kevin\_Shao@bstz.com

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
(408) 720-8300